

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL A. ABELS,)
Petitioner,) CASE NO. C08-1118-RAJ-JPD
v.)
RON VAN BOENING,) ORDER DISMISSING § 2254 PETITION
Respondent.)
_____)

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's motion to dismiss, petitioner's response, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for a writ of habeas corpus (Dkt. No. 6), and this action, are DISMISSED without prejudice.
- (3) Respondent's motion to dismiss (Dkt. No. 11) is DENIED as moot.
- (4) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Donohue.

DATED this 9TH day of January, 2009.

Richard A. Jones
The Honorable Richard A. Jones